

## Current Leases

FWP has ten active leases and one conversion of a FWP irrigation right to instream flow. All have approved “Change of Use Authorizations” issued by DNRC. These current instream flow transactions are located on the following nine streams:

1. Big Cr., tributary to the Yellowstone River (two leases)
2. Cedar Cr., tributary to the Yellowstone River (two leases)
3. Mol Heron Cr., tributary to the Yellowstone River
4. Locke Cr., tributary to the Yellowstone River
5. Hells Canyon Cr., tributary to the Jefferson R. in the Upper Missouri R.
6. Cottonwood Cr., tributary to Blackfoot R. in Clark Fork Basin (FWP right)
7. Chamberlain Cr., tributary to Blackfoot R. in Clark Fork Basin
8. Pearson Cr., tributary to the Blackfoot R. in Clark Fork Basin.
9. Rock Cr. tributary the upper Clark Fork River.

Figure 1 is a table displaying all of the leases (active, terminated, transferred) that FWP has been associated with over the life of the water-leasing project. Three of the listed leases were not renewed by FWP. A fourth lease, on Tin Cup Creek, could not be renewed a second time by FWP under the statutory provision in place at that time. However, the Montana Water Trust was able to acquire and maintain this water lease.

**Figure 1. FWP Instream Flow Leasing History, as of December 2009**

SOURCE	RIVER BASIN	STATUS	LESSOR	LEASE TERM/EXP.	PRIORITY OF RIGHT	QUANTITY LEASED	PERIOD OF USE
Mill Creek	Upper Yellowstone	Terminated	Mill Creek Water and Sewer District	Terminated	95 rights with various priorities	41.4 cfs	48-60 hours in Aug. Diversion shut off after 10-day notice from FWP
Mill Creek	Upper Yellowstone	Terminate	Individual	Terminated	June 30, 1880; June 1, 1903	2.0 cfs (1880) and 4.13 cfs (1903) (salvaged water)	May 1 -October 4
Blanchard Creek	Blackfoot	Terminated	Individual	Contract Rescinded 3/5/2004	May 11, 1913 (first right on stream)	3.0 cfs	April 15 -October 15

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SOURCE	RIVER BASIN	STATUS	LESSOR	LEASE TERM/EXP.	PRIORITY OF RIGHT	QUANTITY LEASED	PERIOD OF USE
Tin Cup Creek	Bitterroot	Now held by MT Water Trust	Six individuals	Met statutory limit on renewal. 5-year renewal March 28, 2005	August 1, 1883 (first right on stream)	2.28 cfs April 1-April 14 4.32 cfs April 15-April 30 4.72 cfs May 1-October 19	April 1- November 4
Cedar Creek	Upper Yellowstone	Active	US Forest Service	10 years Lease Renewed Sep. 20, 2015	April 1, 1890; April 1, 1893; April 1898; April 1, 1904; April 7, 1972 (high water rights only)	6.77 cfs May 1-July 15 <sup>2</sup> 6.39 cfs July 16-July 31 9.64 cfs August 1-August 31 6.39 cfs Sept 1 - October 15	May 1-October 15
Hells Canyon Creek	Jefferson	Active	Three individuals	20 years Apr. 1, 2016	December 31, 1884 (1 <sup>st</sup> right on stream), August 23, 1889; August 29, 1912	1.12 cfs (salvaged water)	April 1- November 4
Mill Creek	Yellowstone	Active	Individual	Terminated	June 1, 1891	2.64 cfs (salvaged water)	May 1-October 19
Chamberlain Creek	Blackfoot	Active	Individual	10 years Apr. 1, 2017	October 10, 1911	½ the flow up to 25 cfs	April 1 - October 31
Pearson Creek	Blackfoot	Active	Individual	10 years Apr. 1, 2017	October 10, 1911	Up to 8 cfs	April 1 - October 31
Cottonwood Creek	Blackfoot	Active	FWP <sup>3</sup>	20 years Oct. 2016	May 1, 1884	14 cfs April, 37 cfs May 1-June 30, 32 cfs July, 9 cfs August, 6 cfs Sept., 9 cfs Oct. 8 cfs November (Salvaged water)	April 1- November 4
Mol Heron Creek	Yellowstone	Active	Private ranch	20 years Dec. 31, 2018	July 15, 1884; May 7, 1885; June 15, 1893; January 1, 1900; March 2, 1903; June 5, 1905; August 5, 1920; April 15, 1967	5.0 cfs to 27.0 cfs	April 15 - October 19

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SOURCE	RIVER BASIN	STATUS	LESSOR	LEASE TERM/EXP.	PRIORITY OF RIGHT	QUANTITY LEASED	PERIOD OF USE
Big Creek	Yellowstone	Active	Two private ranches <sup>4</sup>	20 years April 15, 2020	March 12, 1883; June 30, 1901; May 31, 1909; May 15, 1910; May 15, 1910	1.0 – 16.0 cfs (rights dedicated to a land trust in perpetuity)	April 15 - October 15
Big Creek	Yellowstone	Active	Private ranch	10 years May 1, 2019	June 30, 1873 (1 <sup>st</sup> right on stream)	10.0 cfs	May 1 - November 1
Rock Creek	Upper Clark Fork of Columbia	Active	Private ranch	20 years	March 23, 1881; May 15, 1881; June 1, 1892; May 1, 1898; September 29, 1904; May 10, 1907	5.0 - 27.22 cfs	April 15 - October 31
Locke Creek	Yellowstone	Active	Private ranch	30 years; December 14, 2031	March 6, 1915	7.5 cfs	April 20 – October 24
Cedar Creek	Yellowstone	Active	Private ranch	30 years: June 9, 2033	May 29, 1894 (4 <sup>th</sup> right on stream; other high-priority rights already leased by FWP); June 11, 1971 (high water right); April 7, 1972 (high water right)	3.25 cfs 3.76 cfs (high water)	April 1 – November 4
Trail Creek	Clearwater River	Not Perfected Terminated	Resort (and) Homeowners Assoc.	30 years: June 3, 2034	April 10, 1905 January 10, 1911	1.06 cfs 2.37 cfs plus an additional 0.5 cfs during periods of low flow	Both have periods of use: April 1 to October 31.